

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 13-2419-FDS

This Document Relates To:

All Actions

SCHEDULING ORDER

September 26, 2013

Boal, M.J.

Various defendants and non-party entities have filed motions to quash and objections to discovery subpoenas served by the Plaintiff's Steering Committee ("PSC"). The District Court granted the motions to quash with respect to the medical records of non-plaintiffs and referred the remaining objections to this Court for resolution. See Docket Nos. 370, 396, 450. On August 6, 2013, the PSC filed a report and chart for the purpose of identifying the issues remaining for resolution. Docket No. 377. Some parties filed pleadings indicating their objections to the PSC's characterization of the outstanding issues. See Docket Nos. 378, 384. On August 15, 2013, the District Court entered a mediation order that provided for an opt-in procedure and a stay of discovery for those who opt-in. Docket No. 394. More recently, some parties filed pleadings indicating that some of the issues had been resolved. See Docket No. 451.

The Court held a status conference on September 25, 2013. After hearing from the parties, and in order to facilitate the speedy and just resolution of the outstanding motions to

quash and objections, this Court orders as follows:

1. The parties will confer in an attempt to provide the Court with a joint chart (and report, if needed) identifying which issues remain outstanding and need to be resolved by this Court. Such chart (and report, if needed) shall be filed no later than **October 16, 2013**.
2. Any party wishing to file an objection or response to the joint chart shall do so no later than **October 23, 2013**. Any such response or objection shall be limited to no more than four pages.
3. The Court will hear oral argument on the outstanding issues on **November 7, 2013 at 10:00 a.m.** The parties shall comply with the District Court's Order Concerning Attendance and Participation of Counsel by Telephone (Docket No. 86). The Court would prefer that any attorney who intends to address a particular issue appear in person. If that is not possible, the Court requests that the attorney contact the Deputy Clerk, Steve York, at least 48 hours in advance to indicate which issues the attorney intends to argue so that the Court can recognize the attorney at an appropriate time.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
United States Magistrate Judge